

November 13, 2014

## The Department of Health revises its draft cesspool rules in response to public comment

On September 1, 2014, the Department of Health (DOH) proposed revisions to its Wastewater Systems Rules that will update the regulation of cesspools in Hawaii. To ensure that everyone had an opportunity to be heard, DOH extended the public comment period by 15 extra days and conducted five public hearings on the Neighbor Islands.

We have received and reviewed over 230 public comments.

In response to public testimony DOH has revised its proposed rules in the following ways:

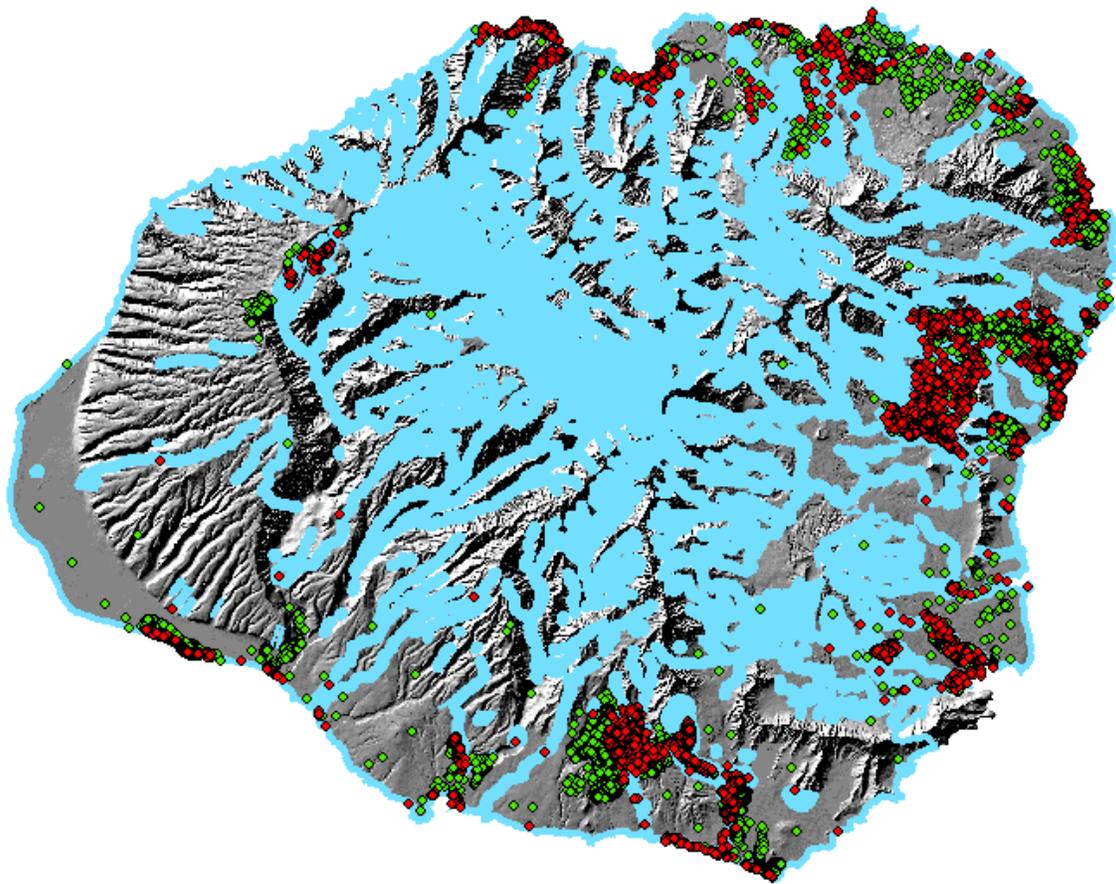
1. The rules will require **only cesspools that most affect human health and water quality to be upgraded** upon sale of a property. Only cesspools that are near a public drinking water well, and those within 750 feet of the shoreline, a stream or a wetland will be affected. This rule would govern 19,793 cesspools out of a statewide total of about 88,000 (22% of all cesspools in Hawaii). This reduces the properties covered by the upgrade requirement by 78% compared to the original rule draft.
2. To assist homeowners with the expense of upgrading old cesspools to modern septic systems, DOH will offer **grants** to eligible homeowners to install modern treatment systems near public drinking water wells and **zero-interest loans** to lower income homeowners for cesspools near streams or the ocean. Higher income households will be eligible for 2% interest loans to upgrade their cesspools.
3. If a property cannot accommodate a new septic tank and leach field system, DOH will allow **exemptions** from the upgrade requirement.
4. DOH will extend the period for completing the cesspool upgrade to within **one year** from sale, rather than the originally proposed six months.

In addition, DOH is clarifying that cesspool upgrades will not apply to property transfers such as times when no money is exchanged during property conveyances between family members.

Also, in response to testimony, DOH is now proposing to allow individual septic systems in new residential subdivisions with single family homes on lots of an acre or larger.

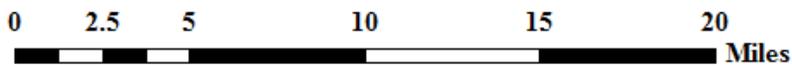
The attached maps and table illustrate the location of existing cesspools that will NOT need to be upgraded upon the sale of the property (in green) and the location of existing cesspools that will need to be upgraded near wells, streams, wetlands and the ocean (in red).

**Kauai: The cesspools affected by the upgrade requirement are shown in red, while those not affected by this requirement are shown in green.**

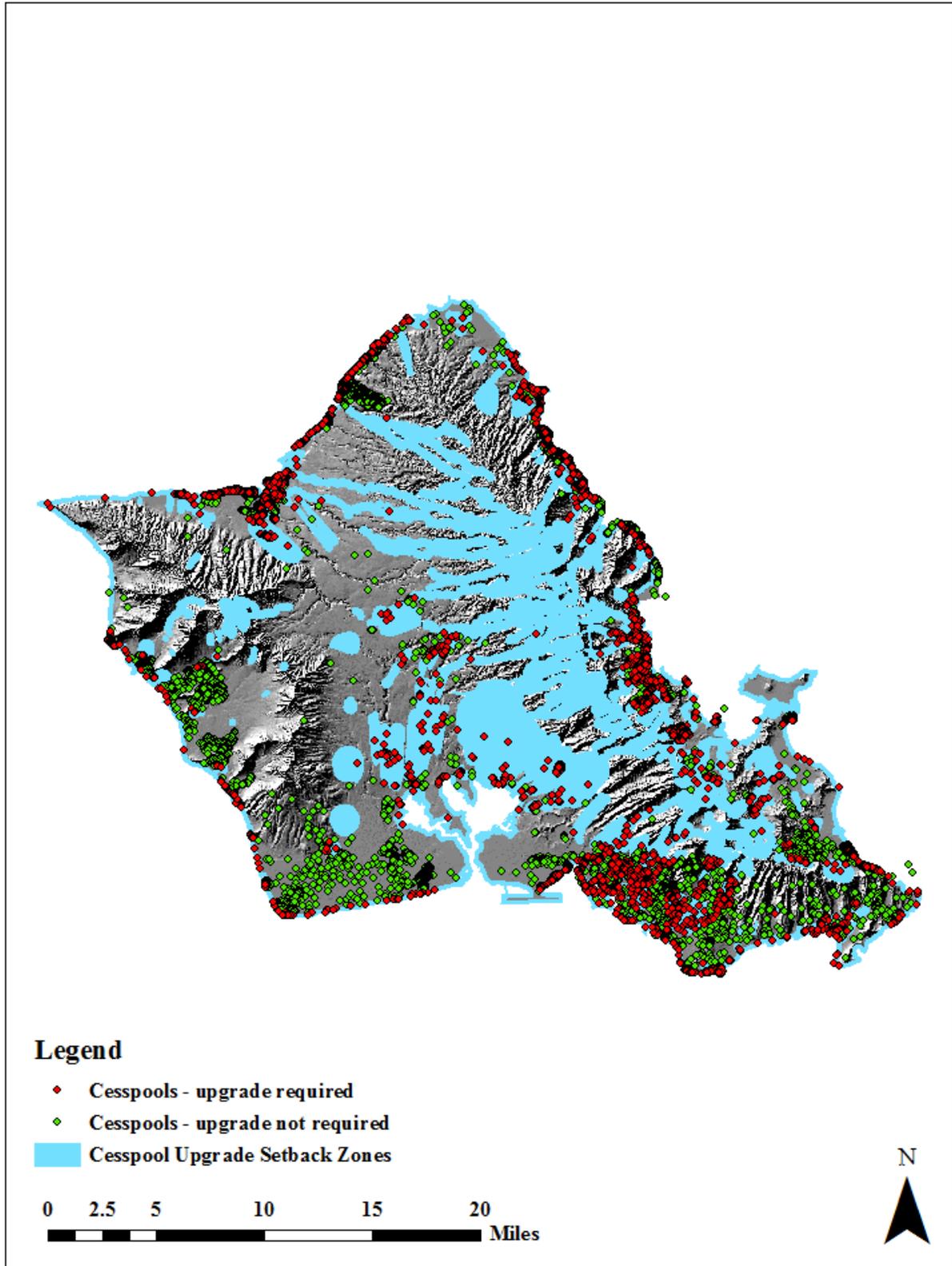


**Legend**

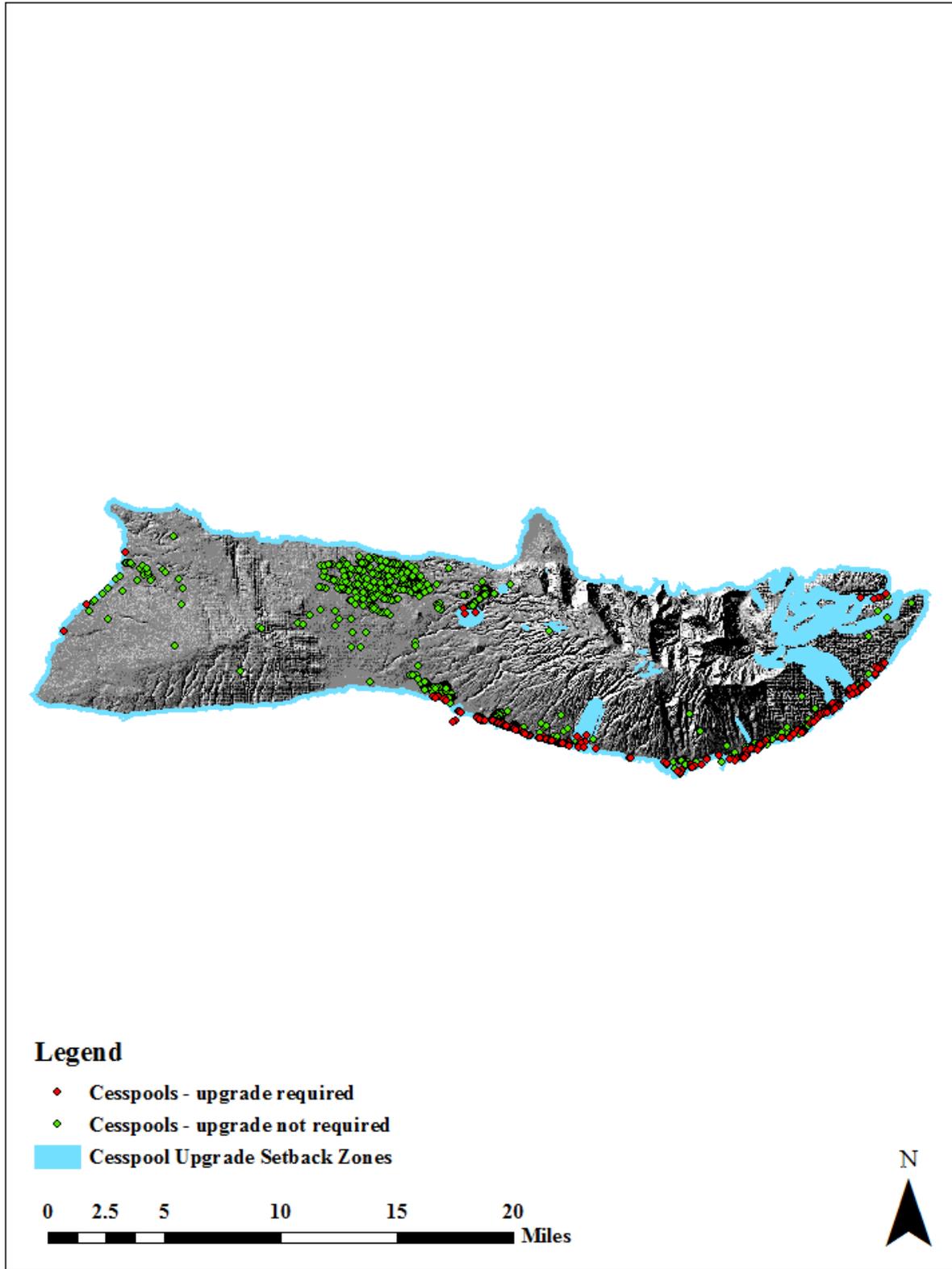
- ◆ Cesspools - upgrade required
- ◆ Cesspools - upgrade not required
- Cesspool Upgrade Setback Zones



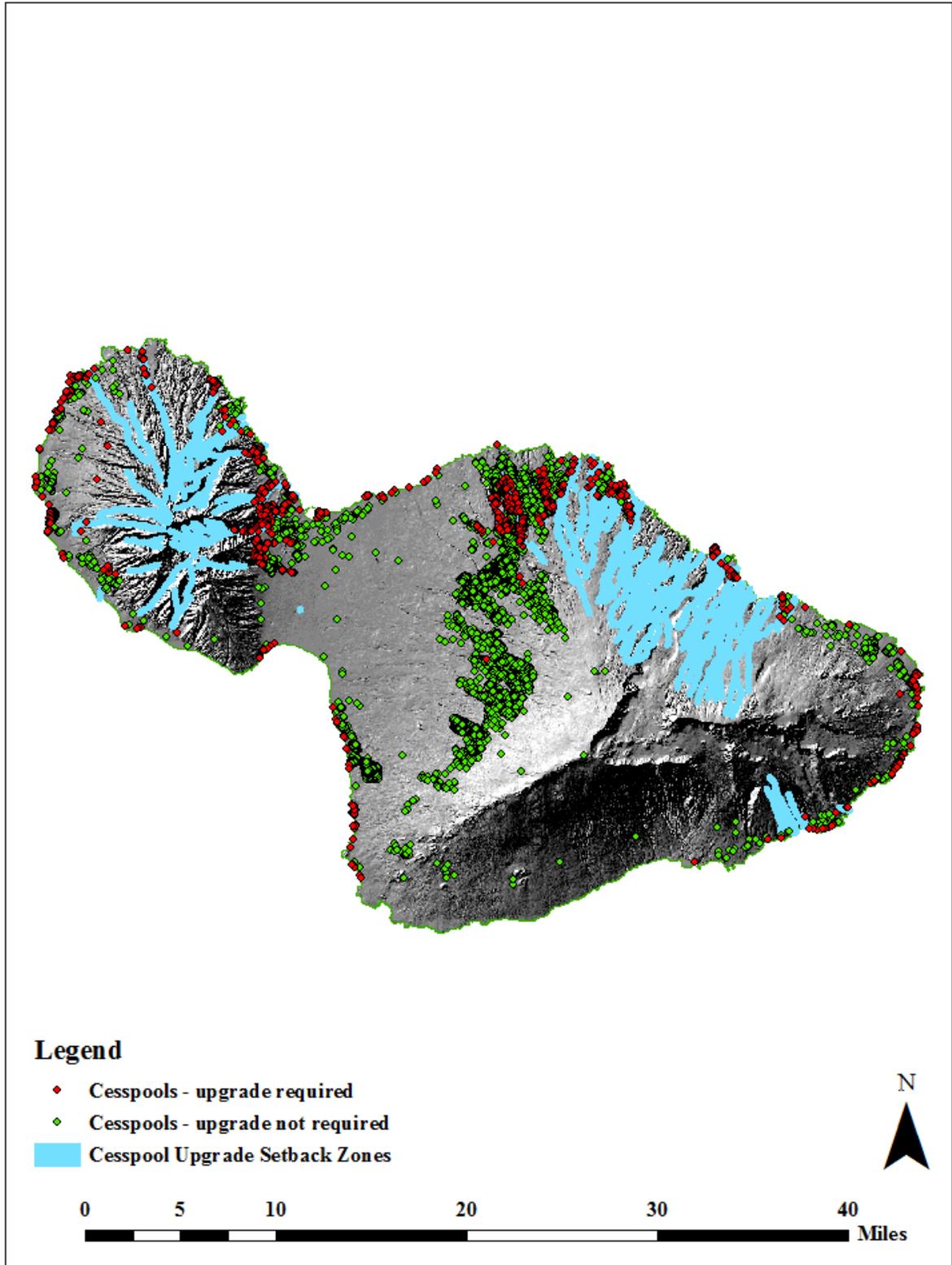
Oahu: The cesspools affected by the upgrade requirement are shown in red, while those not affected by this requirement are shown in green.



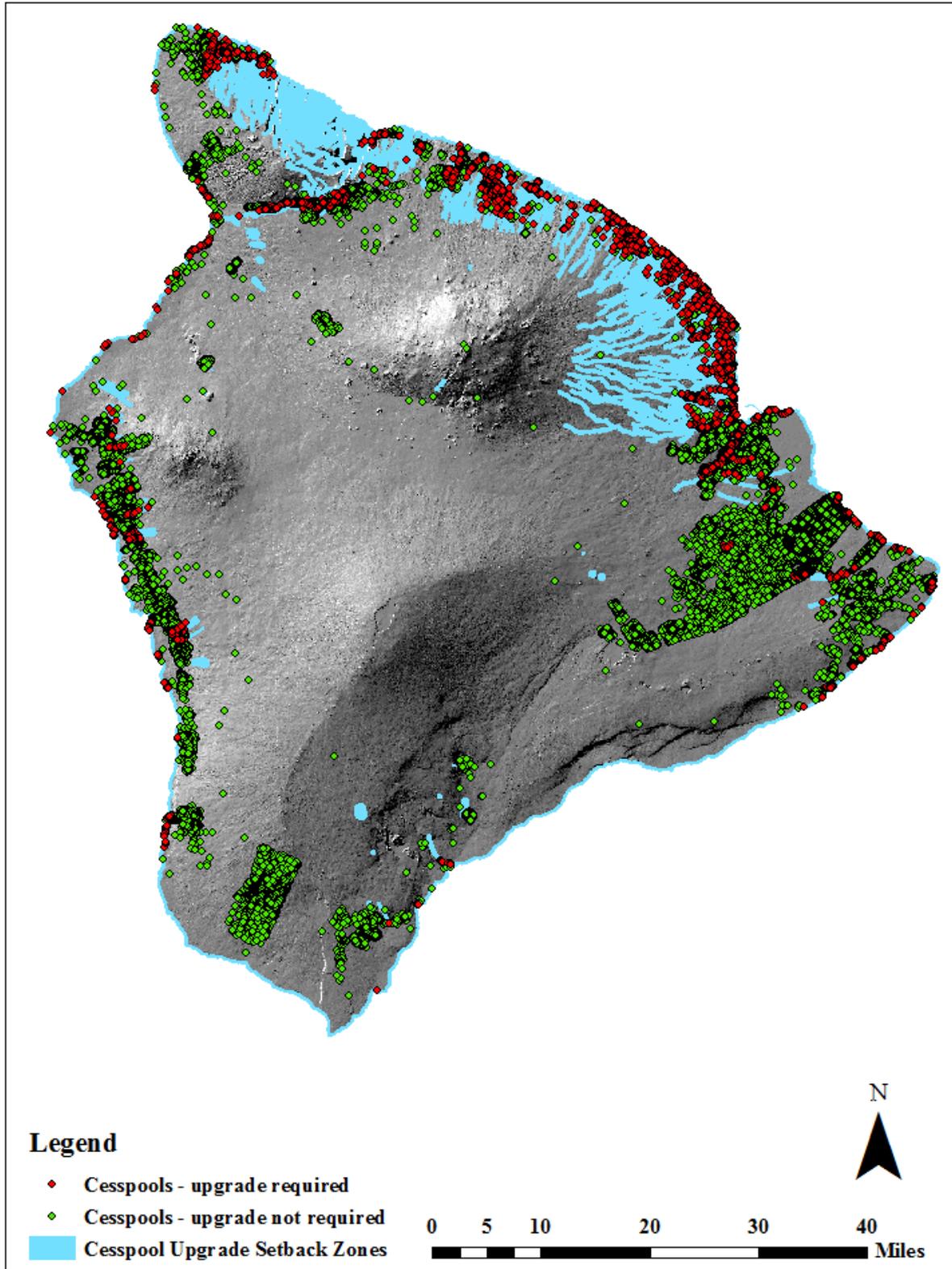
**Molokai: The cesspools affected by the upgrade requirement are shown in red, while those not affected by this requirement are shown in green.**



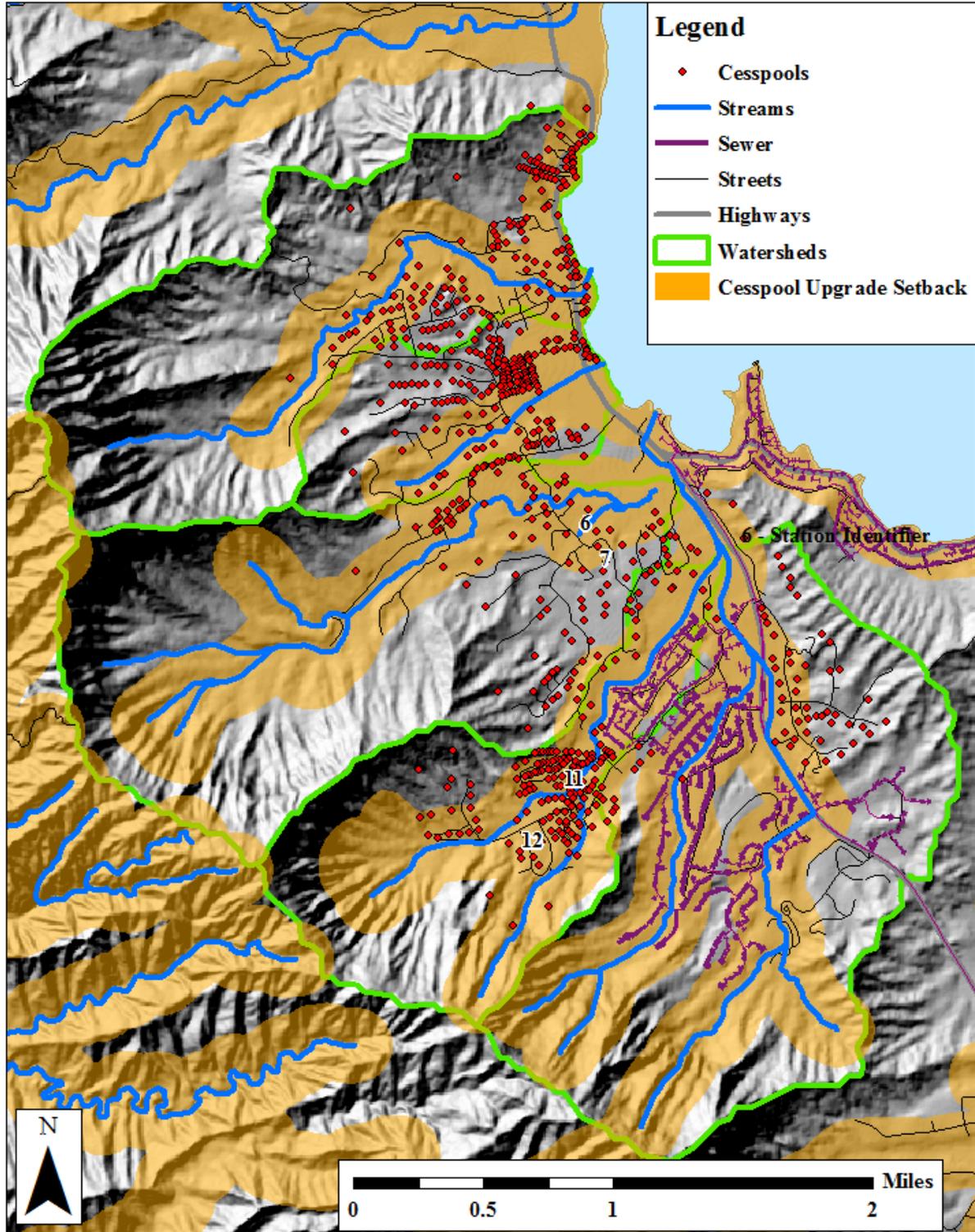
**Maui: The cesspools affected by the upgrade requirement are shown in red, while those not affected by this requirement are shown in green.**



Hawaii Island: The cesspools affected by the upgrade requirement are shown in red, while those not affected by this requirement are shown in green.



A map of the Kahaluu area showing the locations of the cesspools and the sensitive water resource zones. Cesspools within these zones will be required to upgrade to a higher level of wastewater treatment when the time property is sold.



<b>Number of Cesspools Near Sensitive Water Resources</b>						
<b>County</b>	<b>Island</b>	<b>Total Number of Cesspools</b>	<b>Within 750 ft of a Sensitive Water Body</b>	<b>Near a Drinking Water Well</b>	<b>Total<sup>1</sup></b>	<b>Percent of Cesspools Requiring an Upgrade</b>
Kauai	Kauai	13,688	5,566	391	<b>5,863</b>	43%
Honolulu	Oahu	11,253	4,551	727	<b>5,183</b>	46%
Maui <sup>2</sup>	Maui	12,242	1,229	638	<b>1,763</b>	14%
	Molokai	1,442	497	8	<b>505</b>	35%
<b><i>Maui Co. Total</i></b>		<b><i>13,684</i></b>	<b><i>1,726</i></b>	<b><i>646</i></b>	<b><i>2,268</i></b>	<b><i>17%</i></b>
Hawaii	Hawaii	49,344	5,822	787	<b>6,479</b>	13%
<b>Total</b>		<b>87,969</b>	<b>17,665</b>	<b>2,551</b>	<b>19,793</b>	<b>22%</b>

Note 1. Since a cesspool may fall within 750 feet of a water body and be near a drinking water well, the total number of affected cesspools is less than the sum of the two zones.

Note 2. Due to the very low number of cesspools and other on-site sewage disposal systems on Lanai, an inventory was not estimated for this island.